IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 16421 of 2007(E)

PETITIONER:

KERALA STATE ENGINEERING AND INFRASTRUCTURE SERVICE CO-OPERATIVE LTD. NO.4448 (KEISCO) REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:

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1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES KERALA, THIRUVANANTHAPURAM.

2. THE UNIT INSPECTOR, KAZHAKUTTOM, OFFICE OF THE ASSISTANT REGISTRAR, THIRUVANANTHAPURAM (CLAIMING AS THE ENQUIRY OFFICER).

BY GOVERNMENT PLEADER (SHRI P. N. SANTHOSH)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 16421 OF 2007 E

Dated this the 5th June, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner is a Service Co-operative Society. On 22.5.2007, the second respondent came to the office of petitioner and demanded the records, saying that he has been appointed as the Enquiry Officer under Section 66 of the Act. It is the further case of petitioner that sitting in the Office of petitioner, the second respondent took two white papers and wrote down Exts.P1 and P2. There was no order by the first respondent as has been referred to in Exts.P1 and P2, nor is communicated to the petitioner Society. The ground taken to challenge Exts.P1 and P2 is essentially that it is illegal and that there is no order appointing an Enquiry Officer which has been served on the petitioner till date. Reference is placed on Rule 66 (2) of the Co-operative Societies Act to contend that the copy of the order shall be served on the President/Secretary of the

Society by registered post and it has not been served either on the President or the Managing Director. Learned Government Pleader took instructions in the matter and submitted that the allegations in the Writ Petition are correct and the Order appointing the Enquiry Officer has not been communicated to the petitioner as required in law. In such circumstances, Exts.P1 and P2 have no legs to stand on and therefore they are quashed. This will be with liberty to the first respondent to proceed in the matter in accordance with law.

K. M. JOSEPH, JUDGE

kbk.